

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

United States of America

v.

Criminal No. 05-cr-279-01-JD

David P. Lafond

O R D E R

On October 20, 2009, defendant David P. Lafond appeared for a probable cause hearing under Fed. R. Crim. P. 32.1 on one alleged violation of conditions of supervision. I therefore find probable cause to hold him for a revocation hearing.

Defendant sought bail conditions under Rule 32.1(a)(6). Under Rule 32.1(a)(6) defendant bears the burden of establishing by clear and convincing evidence that he will not flee and that he poses no danger to any other person or to the community. There was no evidence of supervised release. However, he has been convicted of being a felon in possession, violated for assaulting an ex-girlfriend, given a second chance for using alcohol and now charged with operating a vehicle as an habitual offender. Each of these demonstrate an indifference to restrictions against dangerous conduct. That history, including his current charge, demonstrates that he is a danger to the community. There are no conditions which are likely to assure his presence and the safety

of the community.

Accordingly, it is ORDERED that the defendant be detained pending trial.

The defendant is committed to the custody of the Attorney General or her designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

SO ORDERED.


James R. Muirhead
United States Magistrate Judge

Date: October 21, 2009

cc: Richard F. Monteith, Jr., Esq.
Clyde R.W. Garrigan, Esq.
U.S. Marshal
U.S. Probation